

HOUSE BUSINESS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2006 Legislative Session

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BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.02 - RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS

DOCKET NO. 07-0102-0501 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 67 through 70.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1006(5), Idaho Code. This rule change establishes a ten dollar (\$10) "small work" permit and inspection fee to address those particular installations that do not exceed two hundred dollars (\$200) and do not involve a change in service connection. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The proposed rule will have no fiscal impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Bureau Chief, (208) 332-7147.

DATED this 8th day of November, 2005.

Stephen L. Keys, Bureau Chief
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986 / Fax: (208) 855-2164

BUSINESS COMMITTEE

***DIVISION OF BUILDING SAFETY
Rules Governing Fees for Electrical Inspections***

***Docket No. 07-0102-0501
PENDING FEE RULE***

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule change establishes a ten dollar (\$10) “small work” permit and inspection fee to address those particular installations that do not exceed two hundred dollars (\$200) and do not involve a change in service connection.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This rule change establishes a ten (\$10) dollar permit and inspection fee. The fee is authorized pursuant to Section 54-1006(5), Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The proposed rule will have no fiscal impact on the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the fee was discussed at publicly held Idaho State Electrical Board meetings.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Bureau Chief, 208-332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 24th day of August, 2005.

BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections

**Docket No. 07-0102-0501
PENDING FEE RULE**

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

011. FEES FOR ELECTRICAL INSPECTIONS.

Electrical inspection fees are to cover the cost of electrical inspection as provided by Section 54-1005, Idaho Code; any person, partnership, company, firm, association, or corporation making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the Electrical Bureau an inspection fee as provided in the following schedule. (1-14-87)

01. Temporary Construction Services. To be installed for construction purposes only, for a period not to exceed one (1) year: (3-18-99)

a. Two hundred (200) amp or less, one (1) location: forty dollars (\$40). (3-18-99)

b. All others shall be calculated using Subsection 011.06, Other Installations Including Industrial and Commercial. (3-18-99)

02. New Residential - Single Family Dwelling. (Includes everything contained within the residential structure and attached garage wired at the same time.)

New Residential - Single-Family Dwelling	
Up to 200 Amp Service	- \$120*
201 to 400 Amp Service	- \$210*
Over 400 Amp Service	- Use Subsection 011.06, Other Installations Including Industrial and Commercial.
* Fee is to include maximum of three (3) inspections. Additional inspections charged at requested electrical inspection rate of forty dollars (\$40) per hour.	
Other residential structures (unattached): see Subsection 011.06, Other Installations Including Industrial and Commercial.	
New Residential - Multi-Family Dwellings	
Duplex Apartment	- \$210
Three (3) or more multi-family units	- \$120 per Building plus \$60 per Unit

(3-18-99)

a. Existing residential: forty dollars (\$40) plus ten dollars (\$10) for each additional branch circuit. (3-18-99)

b. Residential spas, hot tubs, hydro massage tubs, swimming pools: forty dollars (\$40) basic fee plus forty dollars (\$40) grounding grid where applicable. (Other than residential,

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***Docket No. 07-0102-0501
PENDING FEE RULE***

use Subsection 011.06, Other Installations Including Industrial and Commercial.) (3-18-99)

03. Residential Electric Space Heating and/or Air Conditioning. When not part of a new residential construction permit, and no additional wiring: forty dollars (\$40). (3-18-99)

04. Domestic Water Pumps. See Subsection 011.07 -- Pumps (Water, Domestic Water, Irrigation, Sewage.) (3-18-99)

05. Mobile/Manufactured Homes. Fifty dollars (\$50) basic fee plus ten dollars (\$10) for each additional circuit. (3-18-99)

a. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 011.06, Other Installations Including Industrial and Commercial. (3-18-99)

06. Other Installations Including Industrial and Commercial. (3-18-99)

a. Wiring cost not exceeding two thousand dollars (\$2000): forty dollars (\$40) plus two and one-half percent (2.5%) of total wiring cost. (3-18-99)

b. Wiring cost over two thousand dollars (\$2000) but not exceeding ten thousand dollars (\$10,000): one hundred dollars (\$100) plus one percent (1%) of total wiring cost. (3-18-99)

c. Wiring cost over ten thousand dollars (\$10,000): one hundred eighty dollars (\$180) plus one-half of one percent (.5%) of the portion of wiring costs exceeding ten thousand dollars (\$10,000). (3-18-99)

d. All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure must be shown on the permit. The inspection fees listed in this Subsection shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor and used- or reused materials shall be based at fifty percent (50%) of the column 3 pricing as published by Trade Service Publication or National Price Service Pricing or the actual cost, whichever is greater. For all owner-supplied, factory assembled equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of eighty dollars (\$80) for the first hour of each inspection and forty dollars (\$40) for each subsequent hour. (3-18-99)

e. Small work not exceeding two hundred dollars (\$200) in cost and not involving a change in service connections: ten dollars (\$10). ()

07. Pumps (Water, Domestic Water, Irrigation, Sewage) - Each Motor.

To 25 HP - \$40

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DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections

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26 to 200 HP - \$60
Over 200 HP - \$80
Phase inverters and roto phase equipment use Subsection 011.06, in addition to the pump motor fee.

(3-18-99)

08. Electrically-Driven Irrigation Machine. Center Pivot: fifty dollars (\$50) plus ten dollars (\$10) per tower or drive motor. Other types: fifty dollars (\$50) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder). (3-18-99)

09. Electric Signs and Outline Lighting. Electric signs: forty dollars (\$40) per sign; Outline Lighting: forty dollars (\$40) per each occupancy. (3-18-99)

10. Requested Inspections. ~~Forty dollars (\$40) minimum for one (1) hour or less. Over one (1) hour:~~ A base fee of forty dollars (\$40) plus an additional twenty dollars (\$20) for each one-half (1/2) hour or portion thereof in excess of one (1) hour, including travel time. Out of state travel subject to additional expense. (3-18-99)(____)

11. Additional Fees and Reinspection Fees. A base fee of forty dollars (\$40) ~~per hour and~~ plus an additional twenty dollars (\$20) for each additional one-half (1/2) hour or portion thereof in excess of one (1) hour, including travel time, shall also be paid before approval of the installation if the following services are necessary: (3-18-99)(____)

a. Trips to inspect when the submitter of the permit had given notice to the inspector that the work is ready for inspection when it was not, or if the submitter has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection. (1-14-87)

b. Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (1-14-87)

c. Each trip necessary to remove a red tag from the jobsite. (1-14-87)

d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (1-14-87)

e. No permit -- Failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-18-99)

12. Plan Check Fee. Forty dollars (\$40) minimum for one (1) hour or less. Over one (1) hour: forty dollars (\$40) plus twenty dollars (\$20) for each one-half (1/2) hour or portion thereof in excess of one (1) hour. (3-18-99)

13. Fees for Temporary Amusement/Industry Electrical Inspections. Each time a ride, concession or generator is set up: forty dollars (\$40) base fee plus ten dollars (\$10) for each ride, concession or generator. (3-18-99)

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***DIVISION OF BUILDING SAFETY
Rules Governing Fees for Electrical Inspections***

***Docket No. 07-0102-0501
PENDING FEE RULE***

14. Expiration of Permits. Every permit issued by the Electrical Bureau shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receipt of Bureau approval and forty dollars (\$40) renewal fee. (3-18-99)

012. -- 999. (RESERVED).

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE

DOCKET NO. 07-0203-0501 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2606(3)(a) and 54-2606(3)(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 30 through 32.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2606(3)(a), Idaho Code. The pending rule will reduce the permit fee paid by plumbing contractors installing sewer and water service lines in a one- or two-family residence from fifty dollars (\$50) to sixteen dollars (\$16).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, (208) 332-7154.

DATED this 29th day of September, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2606(3)(a) and 54-2606(3)(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be

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***DIVISION OF BUILDING SAFETY
Rules Governing Permit Fee Schedule******Docket No. 07-0203-0501
PENDING FEE RULE***

scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Plumbing contractors who install plumbing in a one- or two-family residence must currently pay two permit fees: one for plumbing and another for water and sewer service lines. The proposed rule will eliminate the payment of double permit fees, reducing the cost when a plumbing contractor installs the plumbing and water and sewer service lines.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The proposed rule will reduce the permit fee paid by plumbing contractors installing sewer and water service lines in a one- or two-family residence from fifty (\$50) dollars to sixteen (\$16) dollars.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The proposed rule will have no fiscal impact on the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the decrease in fees was discussed at public Idaho State Plumbing Board meetings across the state.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 208-332-7154.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 3rd day of August, 2005.

Stephen L. Keys, Bureau Chief
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986

BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules Governing Permit Fee Schedule

Docket No. 07-0203-0501
PENDING FEE RULE

Fax: (208) 855-2164

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

011. FEE SCHEDULE.

01. Residential. To include all single family dwellings, apartments, condominiums, townhouses, and/or multiple living units: Each living unit in an apartment, condominium, townhouse, or other multiple living unit shall require a residential permit fee for each living unit. Permit fee -- thirty dollars (\$30); plus an inspection fee of eight dollars (\$8) per fixture (excluding garbage disposals and dishwashers in new construction) in the plumbing system of the building or premises. Replacement of fixtures in residences requires a permit of thirty dollars (\$30) plus eight dollars (\$8) per fixture. Separate permits are required for all residential sewer and water service line installations as per IDAPA 07.02.03, ~~Subsection 011.08 and IDAPA 07.02.03, Subsection 011.10~~ unless done by plumbing contractor at time of new installation. In that event, rate will be eight dollars (\$8) each. (7-11-89)()

02. Nonresidential. To include commercial, industrial, and other installations: The inspection fees listed in this Section shall apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all plumbing materials and equipment installed as part of the plumbing system. For uniformity of fees when labor is performed, such labor cost shall be based upon the market value of said labor. Permit fee: To include inspection of the water service pipe to the building and waste discharge pipe from the building if the work is done by the plumbing contractor who permits the building plumbing - thirty dollars (\$30); plus an inspection fee based on the selling price of the completed installation, to be: Three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000); plus, two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000); plus, one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000); plus, one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000). Schools, hospitals, churches, hotels, and motels are classed as commercial. The thirty dollars (\$30) minimum permit fee applies to all new construction and to remodel or alteration jobs. Replacement of fixtures in existing commercial and industrial buildings requires the inspection fee of thirty dollars (\$30) plus eight dollars (\$8) per fixture (water heaters, lavatories, etc.). Fixtures common only to commercial and industrial, shall be inspected at the eight dollars (\$8) rate per unit. Separate permits as per IDAPA 07.02.03, Subsection 011.09 and IDAPA 07.02.03, Subsection 011.12 will be required for sewer and water service lines, if not done by the plumbing contractor doing the building plumbing. (7-11-89)

03. Commercial Coaches/Manufactured Buildings. All commercial coaches and manufactured buildings constructed in Idaho or constructed for use in Idaho must purchase permits as per the residential fee schedule. (7-11-89)

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DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule

Docket No. 07-0203-0501
PENDING FEE RULE

04. Mobile Homes. Each connection or re-connection to existing sewer and water stubs shall be forty dollars (\$40). (7-11-89)

05. Mobile Home Parks and/or RV Parks. Sewer and water service lines in mobile home parks and/or RV parks shall be classed as commercial. NOTE: This does not include or permit the connection of the mobile home. See IDAPA 07.02.03, Subsection 011.04. (7-11-89)

06. Residential. Lawn sprinklers shall be thirty dollars (\$30) plus eight dollars (\$8) for each backflow prevention device. (7-11-89)

07. Water Conditioners. Water conditioners shall be thirty dollars (\$30) plus eight dollars (\$8) per unit. (7-11-89)

08. ~~New Installations and Replacements~~ Sewer and Water Permit Fees. Residential sewer and water service line fees shall apply to all new construction, installations, and replacements. See IDAPA 07.02.03, Subsection 011.10. (7-11-89)()

~~09a. Sewer And Water Permit Fees.~~ Sewer and water permit fees for excavators or property owners shall be assessed at the same rate as residential or ~~commercial~~ nonresidential based on the classification of the construction project. (7-11-89)()

~~10b.~~ Residential sewer and water service lines installation permit fees: will be assessed at the rate of thirty-eight dollars (\$38) each or fifty dollars (\$50) for a combination of both if only one (1) inspection is required and the work is done by the same individual. (7-11-89)()

~~109.~~ Non-residential. Lawn sprinkler permit fees shall be calculated at the same rate as nonresidential plumbing; three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000), plus two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000), plus one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000), plus one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000). (7-11-89)

120. Nonresidential Sewer and Water Service Lines Permit Fees. If installed by someone other than the plumbing contractor of the building, fees shall be calculated at the same rate as nonresidential plumbing; three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000), plus two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000), plus one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000), plus one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000). (7-11-89)

131. Requested Inspections of Existing Plumbing. Thirty-eight dollars (\$38) minimum for one (1) hour or less. Over one (1) hour, thirty-eight dollars (\$38) plus nineteen dollars (\$19) for each one-half (1/2) hour or portion thereof in excess of one (1) hour, including

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***DIVISION OF BUILDING SAFETY
Rules Governing Permit Fee Schedule***

***Docket No. 07-0203-0501
PENDING FEE RULE***

travel time. (7-11-89)

142. Reinspection. The cost of reinspection shall be thirty-eight dollars (\$38). (7-11-89)

153. Other. Fee for permits not clearly giving location of installation, either by direction or maps -- thirty dollars (\$30). (7-11-89)

164. Plan Checking Fee. Thirty dollars (\$30) minimum for one (1) hour or less. Over one (1) hour -- thirty dollars (\$30) plus fifteen dollars (\$15) for each one-half (1/2) hour or portion thereof. (7-11-89)

175. Technical Service Fee. Thirty-eight dollars (\$38) minimum for one (1) hour plus nineteen dollars (\$19) for each one-half (1/2) hour or portion thereof. (7-11-89)

186. No Permit. Failure to send permit and required fee in the prescribed time will, at the discretion of the Department, result in the assessment of a double fee. (7-11-89)

197. Multipurpose Residential Fire Sprinkler and Domestic Water Supply System Fee. The inspection fee for the installation of the fire sprinkler portion of a multipurpose residential fire sprinkler and domestic water supply system in a one- or two-family residence shall be a minimum of sixty dollars (\$60) or four dollars (\$4) per fire sprinkler head, whichever is greater. (3-24-05)

BUSINESS COMMITTEE

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0502 (CHAPTER REWRITE - FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 83 through 93.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 39-4107, Idaho Code. This docket includes an increase in the fees charged for processing and issuance of modular building insignia tags to out-of-state manufacturers, who are not otherwise required to pay Idaho building permit fees, from twenty-five dollars (\$25) to one hundred dollars (\$100).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, (208) 332-7151.

DATED this 2nd day of November, 2005.

Stephen L. Keys
Bureau Chief
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

BUSINESS COMMITTEE

DIVISION OF BUILDING SAFETY
Rules of Building Safety

Docket No. 07-0301-0502 (Chapter Rewrite)
PENDING FEE RULE

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This docket proposes the consolidation of six (6) existing chapters into one (1) chapter by repealing the existing chapters and eliminating redundant language. This resulting consolidated chapter (IDAPA 07.03.01) will include an increase in the fees charged for processing and issuance of modular building insignia tags to out-of-state manufacturers, who are not otherwise required to pay Idaho building permit fees, from twenty-five dollars (\$25) to one-hundred dollars (\$100).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This docket includes an increase in the fees charged for processing and issuance of modular building insignia tags to out-of-state manufacturers, who are not otherwise required to pay Idaho building permit fees, from twenty-five dollars (\$25) to one-hundred dollars (\$100).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The proposed rule will have no fiscal impact on the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposal is relatively simple and clerical in nature and because, with respect to the increase in fees, it was unlikely that there would be a consensus reached by the affected out-of-state parties.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

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Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 24th day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 07 TITLE 03 CHAPTER 01

07.03.01 - RULES OF BUILDING SAFETY

000. LEGAL AUTHORITY.

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. ()

02. Scope. These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Building Bureau of the Division of Building Safety. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. ()

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions contained herein. ()

004. ADOPTION AND INCORPORATION BY REFERENCE

Under the provisions of Section 39-4109, Idaho Code, the following codes are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety and shall be in full force and effect on and after January 1, 2005. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or <http://www.iccsafe.org>. ()

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- 01. International Building Code.** 2003 Edition. ()
- 02. International Residential Code.** 2003 Edition. ()
- 03. International Energy Conservation Code.** 2003 Edition. ()

005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE, FACSIMILE AND WEB ADDRESS.

The principal place of business of the Division of Building Safety is in Meridian, Idaho. The office is located at 1090 E. Watertower St., Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number of the office is (208) 855-9399. The web address of the office is <http://dbs.idaho.gov/>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. ()

007. -- 025. (RESERVED).

026. DEFINITIONS.

The terms defined in Section 026 of this rule shall have the following meaning for all parts of IDAPA 07.03.01, unless the context clearly indicates another meaning: ()

- 01. Act.** The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. ()
- 02. Administrator.** The administrator of the Division of Building Safety for the state of Idaho. ()
- 03. Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings bearing a division insignia of approval and shall include the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may effect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: ()
 - a.** Repairs with approved replacement parts; ()
 - b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing; ()
 - c.** Replacement of equipment and appliances in kind; ()
 - d.** Adjustment and maintenance of equipment. ()

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04. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

()

05. Alterations or Conversions of Commercial Coaches. Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of commercial coaches bearing a division insignia of approval and shall include the replacement, addition, modification or removal of any structural member; plumbing, heat-producing or electrical equipment; or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion:

()

- a.** Repairs with approved replacement parts; ()
- b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing; ()
- c.** Replacement of equipment and appliances in kind; ()
- d.** Adjustment and maintenance of equipment. ()

06. Board. The Idaho Building Code Board created under the provisions of Title 39, Chapter 41, Idaho Code. ()

07. Bureau. The Building Bureau of the Division of Building Safety. ()

08. Commercial Coach. In order to further clarify the definition of “commercial coach” as cited in Section 39-4105(5), Idaho Code, the phrase “made so as to be readily movable as a unit on its own running gear” shall mean that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, and such modular structure is used for commercial purposes. ()

09. Division. The Division of Building Safety of the state of Idaho. ()

10. Equipment. All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. ()

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11. Field Technical Service. Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. ()

12. First Purchaser. The first purchaser of a commercial coach for other than resale. ()

13. Insignia. A label, tab or tag issued by the division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, modular buildings, and commercial coaches. ()

14. Labeled. Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. ()

15. Listed. Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. ()

16. Listing Agency. A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. ()

17. Model. As referred to in Section 39-4113(3), Idaho Code, for modular buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. ()

18. Testing/Listing Agency. A person, firm, association, partnership or corporation which is: ()

a. In the business of testing equipment or other building components; and ()

b. Recognized by the division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and ()

c. Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and ()

d. Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. ()

19. Transit Damage. Application to manufactured home means that damage

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encountered enroute from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change.

()

20. State Buildings. All buildings to be constructed, altered, or repaired by or for any state of Idaho agency or entity, without regard to purpose, occupancy, or the source of funding for such construction, alteration, or repair.

()

21. Running Gear. Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware.

()

22. Substantially Prefabricated or Assembled. The module or major portion of modular buildings assembled in such manner that all portions may not be inspected without disassembly or destruction of the part.

()

23. Substantially Prefabricated or Assembled. The module or major portion of commercial coaches is assembled in such manner that all portions may not be inspected without disassembly or destruction of the part.

()

24. Systems Plan. A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system.

()

25. Technical Service. Conducting research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules.

()

027. PERMITS.

Building permits shall be obtained from the division prior to the construction of structures governed by the act or rules promulgated by the board.

()

028. PLAN REVIEW.

01. Jurisdiction. The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings regardless of the source of funding for such construction, addition, repair, or occupancy.

()

02. Plans Specifications. Plans shall be drawn to scale and shall be on uniformly sized standard stock drawing sheets not to exceed thirty-six (36) inches by sixty (60) inches.

()

03. Plan Review Fees. Plan review fees shall be sixty-five percent (65%) of the calculated building permit fee.

()

04. Plans Not Required. Plans shall not be required for group U occupancies of Type V conventional light-frame wood construction.

()

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05. Addenda and Change Orders. ()

a. Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the bureau for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” shall not be limited exclusively to such phraseology, but shall be inclusive of such other language used in the professions which essentially have the same meaning. ()

b. Application provisions. The provisions of Section 028 of this rule shall apply to that work which will be accomplished. ()

029. FEES.

The following fee schedule shall be applicable for the functions cited: ()

01. Document Fees. ()

a. The administrator shall charge such reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. ()

b. Charges for copies of separate published documents shall be actual cost to the division plus postage. ()

02. Technical Service Fee. Thirty six dollars (\$36) per hour. ()

03. Modular Building Fees. Other than as herein specified in Section 029 of this rule, the fee schedule for modular buildings shall be as provided herein in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. ()

04. Systems Submittal Plan Review Fee. For all systems, the plan approval fees shall be charged at thirty six dollars (\$36) per hour. ()

05. Insignia Tag Fee. In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. ()

06. Payment of Fees. Fees shall be paid to and collected by the division. ()

07. Commercial Coaches. Other than as herein specified in Section 029 of this rule, the fee schedule for commercial coaches shall be as provided in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. ()

08. Building Permit Fees. The building permit fee for each permit shall be as set forth in Section 107.2 and Table 1-A of the Uniform Building Code, 1997 edition, as seen in the

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following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued. ()

TABLE 1-A - BUILDING PERMIT FEES	
Total Valuation	Fee
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

()

09. Plan Review Fees. Plan review fees shall be sixty-five percent (65%) of the calculated building permit fee. ()

10. Refund of Plan Review Fees. There shall be no refund of plan review fees.()

030. RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapters 40 and 41, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the division by Title 39, Chapters 40 and 41, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. ()

031. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.

Where any work for which a permit or approval, to include plan or system approval, is required by these rules, or by the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or

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proceeded with prior to obtaining said approval or permit, and after notice to such person or persons doing or causing such work to be done, and such person or persons continues or causes to continue such work, the fees specified in these rules shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41 or both, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law. ()

032. STOP WORK ORDERS.

Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapters 40 and/or 41, Idaho Code, or contrary to these rules, the administrator or his authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation which shall state the specific violation and code reference. Stop work notices shall be red in color. ()

033. PROHIBITED SALE OR OCCUPANCY NOTICE.

Whenever any mobile/manufactured home, commercial coach or other modular building is in violation of any of the provisions of Title 39, Chapter 40 and/or 41, Idaho Code, or these rules, the administrator or his authorized representative may prohibit the sale or occupancy of such building, and any and all persons shall be forthwith prohibited from selling or occupying such building. Prohibited sale or occupancy notices shall be removed only on authority of the administrator or his authorized representative. Prohibited sale or occupancy notices shall be orange in color. ()

034. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.

Removal of stop work orders, prohibited sale or occupancy notices, or the sale, rent, lease or occupancy of a building or structure, bearing such order or notice by any person or persons not authorized by the administrator or his authorized representative, shall constitute a violation under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code. ()

035. MODULAR BUILDINGS.

01. Enforcement and Administration. The administrator shall administer and enforce all the provisions of these rules. Any officer, agent or employee of the division is authorized to enter any premises during any normal or operational hours where modular buildings are manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 41, Idaho Code. When it becomes necessary, he may require that a portion or portions of such modular building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of modular buildings shall obtain prior approval and an insignia for each modular building unit to be installed in the state of Idaho. ()

02. Alternates and Equivalents. ()

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a. Alternatives Acceptable. The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the division. ()

b. Satisfactory Alternatives. The division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. ()

c. Unsatisfactory Alternatives. Recognition by the division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. ()

d. Test Methods. Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the division. If there are no appropriate test methods specified in the standards listed above, the division shall determine the test procedure. ()

03. Permits. Prior to construction of modular buildings, appropriate building permits shall first be obtained from the division. ()

04. Plans. ()

a. Specifications for Submittal. Plans shall be submitted in accordance with Subsection 028.03 of this rule. ()

b. Nonconformance. Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the division within ninety (90) days of such notice, the plan submittal will be deemed abandoned and all fees submitted shall be forfeited to the division. Subsequent submission thereafter shall be processed as a new plan submittal. ()

c. Distribution of Approved Copies. An approved copy of the plan submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the division. ()

d. Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny

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except when so ordered by a court of competent jurisdiction. ()

e. Changes to Approved Modular Building Plans. Where the manufacturer proposes to change his submitted designs or the division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. ()

05. Inspections. ()

a. Inspections at Manufacturing Plants. The division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. ()

b. In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or International Residential Code may not be required if, in the opinion of the division, compliance can be obtained by periodic inspections. The division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached insignia. ()

c. Field Inspections. All existing modular buildings to be installed in the state of Idaho not bearing the division's insignia shall not be used or occupied until required Idaho insignia has been issued by the division and properly affixed in accordance with these rules. Applicants for insignia shall obtain permits, plan approvals and inspections as required by these rules. ()

d. Field Inspection for Alterations and Conversions. Any alteration or conversion of division approved modular buildings after leaving the manufacturing facility shall be field inspected in accordance with Section 035 of this rule by a the local unit of government having jurisdiction. ()

06. Installation Inspection. In order to complete the installation of the modular building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. ()

a. In-Plant Inspection in Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. ()

b. Field Technical Service. Any person may request field technical service and requests for such service shall be submitted to the division in writing. ()

07. Local Enforcement Agencies. ()

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a. Rights of Local Enforcement Agency. A local enforcement agency shall have the right to require a complete set of plans and specifications approved by the division for each modular building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a building site and to require permits for alterations, repairs or conversions of existing division approved modular buildings. ()

b. Limitations of Rights of Local Enforcement Agency. A local enforcement agency shall not have the right to: open for inspection any modular building or component bearing an insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that modular buildings meet any requirements not equally applicable to on-site construction; or require or charge fees for any portion of the structure completed in a construction facility remote from the building installation site. ()

08. Insignia. ()

a. Required Insignia. Each modular building section substantially prefabricated and assembled shall bear a division insignia prior to leaving the manufacturing facility. Assigned insignia are not transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the division. Insignia remain the property of the division and may be reappropriated by the division in the event of violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the division's authorized agent. ()

b. Insignia Location. Single units shall have the insignia permanently attached below the electrical service entrance. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. ()

c. Application for Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by Subsection 035.03 of this rule. The permit/insignia application shall be submitted to the division in accordance with Section 035 of this rule and shall include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. ()

d. Alteration or Conversion. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of Section 035 of this rule, has been obtained. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility and/or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. ()

e. Denial of Insignia. Should inspection reveal that a manufacturer is not

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manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. ()

f. Removal of Insignia. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the division shall issue a replacement insignia. ()

g. Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho, shall bear a legible identifying serial number in accordance with the provisions of Section 035 of this rule, which shall include the state of manufacture. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. ()

h. Stamp of Serial Number and State of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost cross member of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. ()

i. Multiple Commercial Coaches. Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. ()

j. Data on Insignia. The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. ()

09. Reciprocal Agreements. The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the division and any other state shall take precedence over the provisions of these rules. ()

036. MANUFACTURED HOMES.

01. Construction and Safety Standards. Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes

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manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval.) ()

02. Inspections. ()

a. Special Inspection. Whenever there is a transit damage and/or any alteration made to a certified manufactured home, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs and/or alteration does not result in the failure of the manufactured home to comply with the standards. ()

b. Installation Inspection. Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations," Section 004. ()

03. Fees. ()

a. Payment of Fees. Fees shall be paid to and collected by the division. ()

b. In-Plant Inspections. The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Twenty-six dollars (\$26) per floor. ()

c. Other Inspections. For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Thirty-six dollars (\$36) per hour minimum for inspection and travel time, pro-rated to the nearest quarter hour, per diem and lodging where applicable, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A", based on the round-trip distance from point of inspection and the inspector's office location.) ()

037. JURISDICTION FOR PLAN REVIEW OF STATE BUILDINGS.

Jurisdiction of the requirements for plan review for construction, additions, repairs, and occupancy of all state buildings within the state of Idaho shall remain exclusively with the division. State buildings, for the purposes of Section 037 of this rule, shall mean all buildings to be constructed for or by any agency of government at the state level for any purposes or occupancy, regardless of the source of funding for such construction, addition, repair, or occupancy. ()

038. -- 999. (RESERVED).

BUSINESS COMMITTEE

IDAPA 12 - DEPARTMENT OF FINANCE

12.01.10 - RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 26-3105(5) and 26-3110(4)(a), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons given that this agency has adopted the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 3, 2005 Idaho Administrative Bulletin, Vol. 05-8 pages 186 through 197.

FEE SUMMARY: The following is a specific description of the fees or charges imposed or increased: These fees or charges are being imposed pursuant to Sections 26-3110(4)(c) and 26-3112(1), Idaho Code. The pending rule will impose a fee of \$250, per course, for the review of applications submitted by prospective continuing education providers for the accreditation of course material. The pending rule will also impose a fee of \$25 for the examination of records which evidence the completion of continuing professional education courses provided by presumptively accredited continuing education providers.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The pending rule will have no negative impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions or for further information regarding this negotiated rulemaking, contact Anthony Polidori at (208)-332-8084.

DATED this 24th day of August, 2005.

Michael Larsen
Consumer Finance Bureau Chief
Idaho Department of Finance
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0031
(208)-332-8000 Phone

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(208)-332-8099 Fax

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 26-3105(5) and 26-3110(4)(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 17, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The proposed rulemaking is necessary to establish continuing education requirements for mortgage loan originator licensees and the criteria for approval of continuing education courses, as set forth in Sections 26-3110(4)(b) and (c), Idaho Code.

The proposed rulemaking is also necessary to delete provisions of existing rules related to trust accounts; the financial condition of licensees; and, provisions related to entities exempt from licensure under the Idaho Residential Mortgage Practices Act, in order to remain consistent with statutory changes to Title 26, Chapter 31, Idaho Code.

The proposed rulemaking will also amend provisions related to written disclosures required in residential mortgage loan transactions and add provisions related to procedures and prohibited practices associated with such transactions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

In accordance with Section 26-3110(4)(c), Idaho Code, the proposed rule will impose a fee of \$250, per course, for the review of applications submitted by prospective continuing education providers for the accreditation of course material.

In accordance with Section 26-3112(1), Idaho Code, the proposed rule will also impose a fee of \$25 for the examination of records which evidence the completion of continuing professional education courses provided by presumptively accredited continuing education providers.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

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NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the June 1, 2005 Idaho Administrative Bulletin, Volume 05-6, page 30.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions or for further information regarding this proposed rule, contact Anthony Polidori at (208)-332-8084.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2005.

DATED this 30th day of June, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE

002. WRITTEN INTERPRETATIONS -- AGENCY ACCESS -- FILINGS (RULE 2).

Written interpretations of these rules are available by mail from the Department of Finance, P.O. Box 83720, Boise, Idaho 83720-0031. The street address of the agency is Department of Finance, Joe R. Williams Building, 700 West State Street, Boise, Idaho, 83720-0031. The telephone numbers of the agency include (208) 332-8000 - Administration; and (208) 332-8004 - Residential Mortgage. The telephone number of the facsimile machine is (208) 332-8099. All filings with the agency in connection with rule-making or contested cases shall be made with the Director of the Department of Finance, and shall include an original and one (1) copy.

(11-1-98)(____)

(BREAK IN CONTINUITY OF SECTIONS)

005. INCORPORATION BY REFERENCE (RULE 5).

IDAPA 12.01.10, "Rules Pursuant to the Idaho Residential Mortgage Practices Act," incorporates by reference the full text of the following federal laws and regulations as defined in these rules: the Real Estate Settlement Procedures Act, ~~as amended, 12 USCA 2601, et seq., 88 Stat. 1724, Pub. L. 93-533; Department of Housing and Urban Development's~~ Regulation X, ~~Real Estate Settlement Procedures Act, 24 CFR 3500, as amended; Regulation Z, Truth in Lending, 12 CFR 226, as amended; and, the Truth in Lending Act, and Regulation Z as amended, 15 USCA 1601, et seq., 82 Stat. 146, Pub. L. 90-321.~~

(11-1-98)(____)

006. DEFINITIONS (RULE 6).

Except where otherwise stated, terms used in these rules which are defined in the Idaho Residential Mortgage Practices Act shall have the same meaning as set forth in that Act. As used in these rules:

(11-1-98)(____)

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01. Accredited Instruction. Means a course, video, motion picture, sound recording, or dissemination through electronic means of instructional material, which has been approved by the director for continuing professional education credit. ()

02. Act. Means the Idaho Residential Mortgage Practices Act, Title 26, Chapter 31, Idaho Code. ()

03. Certificate of Completion. Means written documentation issued by an education provider to a participant, in a manner approved by the director, evidencing the completion of a specific amount of credit hours of accredited instruction. ()

04. Closing. Means the process of executing legally binding documents regarding a lien on property that is subject to a residential mortgage loan and includes the day agreed upon by a borrower and a licensee to complete such process. (11-1-98)()

05. Credit Hour. Means sixty (60) minutes of accredited instruction attained through actual attendance of a course or an allotted increment of time of accredited instruction through independent study, as predetermined by the director. ()

06. Director. Means the director of the Idaho Department of Finance. ()

07. Education Provider. Means a provider of accredited instruction. ()

08. Participant. Means a person who attends accredited instruction for the purpose of accruing credit hours. ()

029. Real Estate Settlement Procedures Act. Means the ~~Real Estate Settlement Procedure Act, as amended, set forth in 12 USCA 2601, et seq., 88 Stat. 1724, Pub. L. 93-533 as amended to and including January 1, 2006.~~ (11-1-98)()

0310. Regulation X. Means Regulation X as promulgated by the Department of Housing and Urban Development's ~~Regulation X, Real Estate Settlement Procedure Act, and codified in 24 CFR 3500 et seq., as amended to and including January 1, 2006.~~ (11-1-98)()

0411. Regulation Z. Means Regulation Z, ~~Truth in Lending, as promulgated by the Board of Governors of the Federal Reserve System and codified in 12 CFR 226 et seq., as amended to and including January 1, 2006.~~ (11-1-98)()

12. Reporting Period. Means a two (2) year period of time commencing on November 1st and ending on October 31st unless otherwise specified by order of the director. ()

0513. Truth in Lending Act. Means the ~~Truth in Lending Act, as amended, set forth in 15 USCA 1601, et seq., 82 Stat. 146, Pub. L. 90-321 as amended to and including January 1, 2006.~~ (11-1-98)()

007. -- 009. (RESERVED).

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010. ~~TRUST ACCOUNT~~ REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION (RULE 10).

~~01. Establishment of Trust Account.~~ Each licensee shall, as trustee, hold all borrower funds received prior to closing in a trust account established at a financial institution located in this state. The funds may not be used for the benefit of the licensee or any person not entitled to such benefit. Each licensee is responsible for depositing, holding, disbursing, accounting for, and otherwise dealing with the funds, in accordance with these rules. (11-1-98)

~~02. Designation of Trust Account(s).~~ Each account holding borrower funds must be designated as a trust account in the name of the licensee as it appears on its license. All checks must be prenumbered by the supplier (printer) and bear upon the front of the check the identifying words, "trust account". (11-1-98)

~~03. Required Trust Account Records and Procedures.~~ Each licensee shall maintain as part of its books and records:

~~a.~~ A trust account deposit register that includes a copy of each check deposited into the trust account and the corresponding deposit slip for each deposit to the trust account; (11-1-98)

~~b.~~ A ledger for the trust account. Licensees may maintain either one (1) ledger for the entire trust account or an individual subaccount ledger sheet for each borrower. A trust account ledger must identify each borrower from whom funds deposited to the trust account are received. Each receipt and disbursement pertaining to such funds must be posted to the ledger sheet at the time the receipt or disbursement occurs. Entries to the ledger sheet must show the date of deposit, identifying check or instrument number, amount and name of remitter. Offsetting entries to the ledger sheet must show the date of check, check number, amount of check, name of payee and invoice number if any; (11-1-98)

~~c.~~ A trust account check register that includes either a copy of each check written on the trust account or the canceled checks provided by the licensee's financial institution; and (11-1-98)

~~d.~~ Trust account bank statements. (11-1-98)

~~04. Trust Account Deposit Requirements.~~ (11-1-98)

~~a.~~ All funds received from borrowers or on behalf of borrowers prior to closing must be deposited in the trust account prior to the end of the third business day following receipt. Each check or money order shall be endorsed "for deposit only" with the licensee's trust account number. (11-1-98)

~~b.~~ All deposits to the trust account(s) must be documented by a bank deposit slip which has been validated by bank imprint, or by an attached deposit receipt which bears the signature of an authorized representative of the licensee indicating that the funds were actually

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~~deposited into the proper account(s).~~

~~(11-1-98)~~

~~**e.** Receipt of funds by wire transfer or any means other than cash, check or money order, must be posted in the same manner as other receipts. Any such transfer of funds must include a traceable identifying name or number supplied by the financial institution or transferring entity. The licensee must also retain a receipt for the deposit of the funds which must contain the traceable identifying name or number supplied by the financial institution or transferring entity.~~

~~(11-1-98)~~

~~**05. Trust Account Disbursement Requirements.**~~

~~(11-1-98)~~

~~**a.** Each licensee is responsible for the disbursement of all trust account funds, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the licensee's behalf.~~

~~(11-1-98)~~

~~**b.** All disbursements of trust funds must be made by check, drawn on the trust account, and identified on the check as pertaining to a specific third-party provider transaction or borrower refund. The number of each check, amount, date, and payee must be shown in the trust account(s) check ledger as written on the check.~~

~~(11-1-98)~~

~~**c.** Disbursements may be made from the trust account(s) for the payment of bona fide third party providers' services rendered in the course of the borrower's loan origination, if the borrower has consented in writing to the payment. Such consent may be given at any time during the application process and in any written form, provided that it contains sufficient detail to verify the borrower's consent to the use of trust funds.~~

~~(11-1-98)~~

~~**d.** There shall be no erasures or white-out corrections in any of the trust account records (checks, deposits, ledgers, subledgers, bank statements or reconcilements). All corrections shall be done by drawing a single line through the erroneous entry, leaving it legible, and making an entirely new entry to replace it.~~

~~(11-1-98)~~

~~**e.** Borrower funds held by the licensee must be remitted to the borrower within thirty (30) business days of the determination that all payments to third-party providers owed by the borrower have been satisfied.~~

~~(11-1-98)~~

~~**f.** Any trust funds held by the licensee for a borrower who cannot be located must be remitted in compliance with Section 14-506, Idaho Code.~~

~~(11-1-98)~~

~~**06. Computerized Accounting System Requirements.** The following additional requirements apply to computerized accounting systems:~~

~~(11-1-98)~~

~~**a.** The system must provide the capability to back-up data files; and~~

~~(11-1-98)~~

~~**b.** All checks written must be included within the computer accounting system.~~

~~(11-1-98)~~

01. Licensee. For purposes of the "Requirements for Continuing Professional

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Education” provisions of this rule, the term “licensee” means a person: ()

a. Who is a loan originator licensed under the Act; or ()

b. Who is designated pursuant to Section 26-3108, Idaho Code, as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act. ()

02. Minimum Requirements. ()

a. A loan originator licensed under the Act shall attain sixteen (16) credit hours within each reporting period. ()

b. Persons designated in the director’s files, as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act shall attain sixteen (16) credit hours within each reporting period. ()

c. Credit hours accrued in excess of the required sixteen (16) credit hours in any reporting period shall not carry over nor be credited to any subsequent reporting period. ()

03. Accrual of Credit Hours. ()

a. For the purpose of accruing credit hours within any reporting period, a licensee shall attain no less than two (2) credit hours directly related to the Act and these rules. ()

b. For the purpose of accruing credit hours within any reporting period, a licensee shall attain no less than fourteen (14) credit hours related to the following: ()

i. Basics of home purchase and ownership; ()

ii. The mortgage industry generally; ()

iii. Loan evaluation and documentation; ()

iv. Features of various loan products; ()

v. State and federally required disclosures; ()

vi. Ethical considerations; ()

vii. The Idaho Credit Code; ()

viii. The Idaho Mortgage Company Act; ()

ix. The Idaho Escrow Act; ()

x. The Uniform Commercial Credit Code; ()

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xi. Law related to mortgages, deeds of trust, liens, and pledges; ()

xii. Real estate and appraisal law; ()

xiii. Principal and agency law; ()

xiv. Contract law; ()

xv. The Real Estate Settlement Procedures Act; or ()

xvi. Truth in Lending and the federal Consumer Credit Protection Act. ()

c. Accredited instruction shall be of a minimum duration of one (1) credit hour and shall contribute to the goal of maintaining or increasing the knowledge, skill and competence of licensees. The principal focus of accredited instruction shall not be sales, marketing, commercial lending or commercial loan brokering, motivational, or skills pertaining to running a business. ()

d. A participant who successfully completes a course of accredited instruction may not repeat that course for credit hours with the same education provider within the same reporting period. ()

e. A participant may accrue credit hours within ninety (90) days prior to initial submission of an application for a loan originator license under the Act. Such credit hours shall not accrue to the participant unless the initial license application is subsequently approved by the director and a license is issued. Credit hours shall not be granted to a participant under this provision unless the participant provides the director with a copy of the certificate of completion for such accredited instruction within sixty (60) days of initial licensure. ()

f. Persons designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act may accrue credit hours for accredited instruction attended within ninety (90) days prior to the date of approval by the director of such designation. ()

g. Persons who, as of January 1, 2006, are designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act may accrue credit hours for accredited instruction completed on or after October 1, 2005. ()

04. Recordkeeping and Reporting of Accrued Credit Hours. ()

a. Every licensee shall maintain copies of certificates of completion for a period of no less than three (3) years following completion of the accredited instruction. ()

b. The initial reporting period for a loan originator licensed under the Act shall commence on November 1st immediately succeeding his initial licensure. ()

c. The initial reporting period for persons who are not loan originators, but who have

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been designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act shall commence: ()

i. On November 1, 2006, if the person has been so designated prior to November 1, 2006; or ()

ii. On November 1st immediately following the director's approval of the person's designation, if the person is so designated on or after November 1, 2006. ()

d. Within thirty (30) days following the expiration of each reporting period a licensee shall deliver copies of certificates of completion to the director demonstrating the licensee's completion of the credit hours required under these rules. ()

e. A licensee who fails to attain the credit hours required by these rules, or fails to maintain records as required in Section 010 of these rules, or fails to timely report compliance with the credit hour requirements of these rules shall be subject to license revocation or suspension as prescribed in Section 26-3109, Idaho Code. ()

f. Upon revocation or suspension of a license issued under the Act for failure to complete or report credit hour requirements, no person shall obtain a new license or a reinstated license in the case of a license suspension, as a loan originator, mortgage broker or mortgage lender without first satisfying the credit hour requirements, which, having been previously incomplete or not reported, were the cause of the license revocation or suspension. ()

011. EDUCATION PROVIDERS AND CONTENT OF CONTINUING PROFESSIONAL EDUCATION (RULE 11).

01. Submission of Continuing Professional Education Courses for Accreditation by the Director. Education provider applicants shall submit an application, in a form provided by the director, for accreditation of continuing professional education for each instructional course proposed to be offered by the education provider applicant. The application shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250) and shall include, but not be limited to, the following information: ()

a. The name and address of the education provider and date(s) on and locations at which the program is to be offered; ()

b. The qualifications and experience of the education provider's principal officers, staff, and instructor(s); ()

c. The costs of all programs for which approval is sought; ()

d. A copy of the proposed course materials together with a description of each course for which approval is sought; and ()

e. A sample of what is provided to participants to verify course completion. ()

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02. Granting of Accreditation of Professional Education Courses. The director shall grant accreditation to continuing professional education courses if he finds: ()

a. That the course constitutes an organized program of learning which provides instruction on subject matter as described in Subsection 010.03 of these rules: ()

b. That course materials are prepared, and instruction conducted, by an individual or group qualified by practical or academic experience in the subject or subjects to be presented: ()

c. That the course shall be presented in a setting physically suited to the educational activity or in a manner which allows for participant interaction and comprehension of course materials. Training facilities for live class settings shall be easily accessible and comply with all applicable state and federal laws, including, but not limited to, the Americans With Disabilities Act of 1990: ()

d. That course outlines, syllabi, workbooks, examinations, study-guides, or other instructional material are of a high quality, readable, and carefully prepared and relevant to the course of study offered; and()

e. That the prospective education provider's application is complete and truthful. ()

03. Review of Accredited Instruction. ()

a. An education provider shall designate one (1) person as its contact person who shall be available to the director, or to his designated representative, during ordinary business hours and shall be knowledgeable and have authority to act with regard to all administrative matters concerning instructors, scheduling, advertising, recordkeeping, and supervising all programs offered by the education provider. ()

b. The director may periodically review the content and facilitation of accredited instruction for the purposes of verifying that such accredited instruction continues to meet the requirements of these rules. ()

c. The education provider shall be required to permit the director, or the director's representative, to audit the accredited instruction and course material at no cost to the director or to the director's representative. The audit shall evaluate whether the accredited instruction meets the requirements of these rules. The education provider shall permit the director or the director's representative to review records appropriate to selected course offerings. Upon a finding that accredited instruction no longer meets the requirements of these rules, the director may suspend or revoke the approval of the accredited instruction. The education provider shall be responsible for payment of audits conducted under Section 011 of these rules. ()

d. Education providers shall notify the director of any material changes which have been made to accredited instruction within thirty (30) days of such changes. Material changes include changes materially affecting the content or facilitation of accredited instruction as it

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applies to the requirements of Subsection 011.02 of these rules. ()

e. Within thirty (30) days of conclusion of a course of accredited instruction, an education provider shall submit to the director an attendance roster in a form prescribed by the director. Education providers shall maintain records related to participant attendance and completion of accredited instruction for a period of no less than three (3) years. ()

04. Suspension of Accreditation. The accreditation of a continued professional education course may be suspended if the director determines that: ()

a. The accredited instruction teaching method or program content no longer meets the standards of these rules, or have been materially changed without notice to the director as required; or ()

b. The education provider granted a certificate of completion when in fact the participant had not satisfactorily completed the accredited instruction; or ()

c. The education provider failed to grant a certificate of completion to a participant when in fact the participant had satisfactorily completed the accredited instruction; or ()

d. The education provider or any of its instructors have had a mortgage license revoked or suspended in any jurisdiction; or ()

e. There is other good cause why accreditation should be suspended. ()

05. Reinstatement of Accreditation. Reinstatement of a suspended accreditation will be made upon the furnishing of proof satisfactory to the director that the conditions responsible for the suspension have been corrected. ()

06. Renewal of Approval of Accredited Instruction. The director's accreditation of a continuing professional education course shall expire two (2) years from the date of issuance and thereafter on each subsequent two (2) year anniversary of the renewal date. Application for renewal of accreditation shall be filed by not later than sixty (60) days prior to each such expiration date and shall be accompanied by a non-refundable renewal fee of one hundred fifty dollars (\$150). Applications for renewal of accreditation shall be in a form prescribed by the director and shall include documentation demonstrating that the accredited instruction continues to meet the requirements of Subsection 011.03 of these rules. ()

07. Prohibited Practices. ()

a. No person shall represent, in any manner that an instructional course has received approval or accreditation from the director or, that participants will receive credit hours for attendance and completion of an instructional course, unless such course has been approved by the director. ()

b. No person shall misrepresent, circumvent or conceal, through whatever subterfuge or device, any of the material particulars of the status, content, or facilitation of an instructional

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course offered to participants for the purposes of meeting the continuing professional education requirements of these rules. ()

012. PRESUMPTIVE ACCREDITATION (RULE 12).

01. Instructional Courses Presumptively Accredited. Instructional courses that cover subject matter set forth in Subsection 010.03 of these rules, that are provided by the following listed organizations, or by such other organizations as may be determined by the director, are presumptively accredited and no request for accreditation of an instructional course offered by these organizations is required, unless the director determines otherwise. ()

- a.** The Idaho Department of Finance. ()
- b.** The National Association of Mortgage Brokers. ()
- c.** The Mortgage Bankers Association. ()
- d.** The National Association of Professional Mortgage Women. ()
- e.** The Idaho Housing and Finance Association. ()
- f.** Federal National Mortgage Association. ()
- g.** Federal Home Loan Mortgage Corporation. ()
- h.** The American Bankers Association. ()
- i.** Regulatory agencies of any state or of the United States that have regulatory authority over mortgage related activity. ()
- j.** Institutions of higher education accredited by the Idaho State Board of Education or by similar accrediting agencies of any other state. ()
- k.** The Conference of State Bank Supervisors. ()
- l.** The American Association of Residential Mortgage Regulators. ()

02. Acceptance of Credit Hours for Presumptively Accredited Instruction. Credit hours for presumptively accredited instruction may be credited to participants in the following manner: ()

- a.** Upon timely submission of a copy of a certificate of completion as set forth in Subsection 010.04 of these rules; or ()
- b.** By written application by the participant, in a form prescribed by the director, within thirty (30) days of successful course completion. The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25). ()

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~~040~~013. -- 039.(RESERVED).

040. DECEPTIVE ADVERTISING (RULE 40).

01. Advertising. Advertising means making or permitting to be made any oral, written, graphic or pictorial statements, in any manner, in the course of the solicitation of business. Deceptive advertising is defined to include the following practices by a licensee, or a person required to be licensed under the Act: ~~(11-1-98)()~~

a. Making a representation or statement of fact in an advertisement if the representation or statement is false or misleading, or if the licensee does not have sufficient information upon which a reasonable belief in the truth of the representation or statement could be based. (11-1-98)

b. Advertising without clearly and conspicuously disclosing the licensee's business name. (11-1-98)

c. Engaging in bait advertising or misrepresenting, directly or indirectly the terms, conditions or charges incident to the mortgage loan being advertised. Bait advertising, for these purposes, means an alluring, but insincere offer to procure, arrange, or otherwise assist a borrower in obtaining a mortgage loan on terms which the licensee cannot, does not intend, or want to provide, or which the licensee knows cannot be reasonably provided. Its purpose is to switch borrowers from buying obtaining the advertised mortgage loan product to buying obtaining a different mortgage loan product, usually at a higher rate or on a basis more advantageous to the licensee. ~~(11-1-98)()~~

d. Advertising an address at which the licensee conducts no mortgage brokering or banking lending activities or for which the licensee does not hold a license. ~~(11-1-98)()~~

e. Advertising in a manner that has the effect of misleading a person to believe that the advertisement or solicitation is from a person's current mortgage holder, a government agency, or that an offer is a limited opportunity when such is not the case. ()

041. -- 049. (RESERVED).

050. WRITTEN DISCLOSURES (RULE 50).

01. Upon Receipt of a Residential Mortgage Loan Application. Upon receipt of a residential mortgage loan application, and before receipt of any moneys from a borrower, a licensee shall disclose to each borrower, in a form acceptable to the Director, information about the licensee, the services that a licensee may provide and the services that the licensee will provide. ~~(11-1-98)()~~

02. Information Provided Within Three Days. Within three (3) business days after receipt of a residential mortgage loan application, the following information a licensee shall be provided to the borrower the following disclosures specific to the residential mortgage loan

BUSINESS COMMITTEE

DEPARTMENT OF FINANCE
Idaho Residential Mortgage Practices Act

Docket No. 12-0110-0501
PENDING FEE RULE

application:

(11-1-98)(____)

a. Disclosures in compliance with the requirements of the federal Truth-in-Lending Act and Regulation Z. These include the annual percentage rate, finance charge, amount to be financed, total of all payments, number of payments, amount of each payment, amount of points or prepaid interest; and if a variable rate loan, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase on the monthly payment amount and total interest to be paid, and an example of the payment terms resulting from an increase for a loan in the approximate amount of the loan that is being requested. (11-1-98)

b. Disclosures through good faith estimates of settlement services in compliance with the requirements of the federal Real Estate Settlement Procedures Act and Regulation X. These disclosures include the itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance, premium pricing, escrow fee, loan closing fee, property tax, insurance premium, structural or pest inspection and any mortgage broker or mortgage banker fees associated with the residential mortgage loan. (11-1-98)

03. Interest Rate Lock-In Agreement Not Entered. If, at the time of application, an interest rate lock-in agreement has not been entered, disclosure ~~must~~ shall be made to the borrower, in a form approved by the director, that the disclosed interest rate and terms are subject to change. ~~Such disclosure~~ A licensee shall be provided such disclosure to the borrower at the same time the Federal Truth-in-Lending disclosure is delivered within three (3) business days of the licensee's receipt of an application for a residential mortgage loan. (11-1-98)(____)

04. Licensee Enters into a Lock-In Agreement. If a licensee enters into an interest rate lock-in agreement with a lender or represents to the borrower that the licensee has entered into a lock-in agreement, then within no more than three (3) business days thereafter, including Saturdays, the licensee shall deliver or send by first-class mail to the borrower, ~~for the borrower's signature,~~ a written confirmation of the term of the lock-in agreement. (11-1-98)(____)

05. In Addition to Disclosures Required. In addition to the disclosures required under ~~the federal Truth-in-Lending Act~~ Subsection 050.02 of these rules, if a prepayment penalty may be a condition of ~~the~~ a residential mortgage loan offered ~~to a borrower by a licensee~~, that fact shall be separately disclosed in writing to the borrower ~~and the borrower must agree in writing to accept that condition by the licensee~~. The disclosure shall state that a prepayment penalty provision imposes a charge if the borrower refinances or pays off the mortgage loan before the date for repayment stated in the loan agreement. This written disclosure shall be in a form approved by the director, and shall be delivered ~~at the same time to~~ to the borrower ~~is given the federal Truth-in-Lending disclosure~~ within three (3) business days of the licensee's receipt of an application for a residential mortgage loan. (11-1-98)(____)

051. -- 059. (RESERVED).

060. PROHIBITED PRACTICES (RULE 60).

01. Prohibited Practices. It shall be a prohibited practice for any licensee, ~~or person~~ required to be licensed under the Act to: (11-1-98)(____)

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a. Make any representation or statement of fact, or omit to state a material fact, if the representation, statement or omission is false or misleading or has the tendency or capacity to be misleading, or if the licensee or lender does not have sufficient information upon which a reasonable belief in the truth of the representation or statement could be based. Such claims or omissions include but are not limited to the availability of funds, terms, conditions, or changes incident to the mortgage transaction, prepayment penalties and the possibility of refinancing.

(11-1-98)

b. Fail to disburse funds in a timely manner, in accordance with any commitment or agreement with the borrower, either directly or through a broker:

(11-1-98)

i. Either immediately upon closing of the loan in the case of a purchase/sale transaction; or

(11-1-98)

ii. Immediately upon expiration of the three (3) day rescission period in the case of a refinancing, or taking of a junior mortgage on the existing residence of the borrower.

(11-1-98)()

iii. For the purposes of this paragraph, the term "immediately" represents a period of time no greater than seventy-two (72) hours.

()

c. Fail to give the borrower, upon the borrower's verbal or written request, a reasonable opportunity ~~(of at least one (1) day)~~ twenty-four (24) hours prior to closing to review every document to be signed or acknowledged by the borrower for the purpose of obtaining a residential mortgage loan, and every document which is required pursuant to these regulations rules, and other applicable laws, rules or regulations, prior to closing.

(11-1-98)()

d. Require a borrower to obtain or maintain fire insurance or other hazard insurance in an amount that exceeds the replacement value of the improvements to the real estate.

(11-1-98)()

e. Engage in any deceptive advertising as set forth in Section 040 (Rule 40).

(11-1-98)

f. Provide or offer to provide any services, for compensation or gain, such as credit repair, credit or debt counseling, investment advising, real estate brokerage services, tax or legal advice, unless the person offering such services has first obtained a license or approval required by the appropriate licensing authority to engage in the offering of such services.

()

~~061. 069. (RESERVED).~~

~~070. FINANCIAL CONDITION (RULE 70).~~

~~Each licensee shall submit with the license application, and subsequent requests for renewals, a complete financial statement as of the most recent fiscal year end or fiscal quarter, that is prepared in accordance with Generally Accepted Accounting Principals (GAAP). The licensee shall submit a financial statement in one (1) of the following forms:~~

(11-1-98)

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~~01. CPA Statement. Compiled, reviewed, or audited by a certified public accountant;~~
(11-1-98)

~~02. IRS Schedule L. Internal Revenue Service Schedule L for the most recent tax year and either the accompanying tax return or a certification signed by the licensee that the Schedule L is a true and correct copy of the Schedule L submitted to the Internal Revenue Service; or~~
(11-1-98)

~~03. Other Approved Form. Any other form approved by the Director.~~ (11-1-98)

~~071061.~~ -- 089.(RESERVED).

090. BORROWERS UNABLE TO OBTAIN LOANS (RULE 90).

If, for any reason, a licensee ~~is unable to~~ does not obtain a residential mortgage loan for a borrower, that is satisfactory to the borrower, and the borrower has paid for an appraisal, the licensee shall give a copy of the appraisal to the borrower and transmit ~~the~~ and assign originals appraisal reports, along with any other documents provided by the borrower, to any other licensee or person exempt from licensure to whom the borrower directs that the documents be transmitted. The licensee ~~must~~ shall provide the copies or transmit the documents within three (3) business days after the borrower makes the request in writing. (11-1-98)(____)

~~091. -- 099. (RESERVED).~~

~~100. EXEMPT ENTITIES (RULE 100).~~

~~The terms "bank," "savings and loan association" and "credit union" shall include any first tier wholly owned subsidiary of such organization, industrial loan company or wholly owned subsidiary of an industrial loan company, provided that the subsidiary is regularly examined by the chartering state or federal agency for consumer compliance purposes.~~ (11-1-98)

~~101091.~~ -- 999.(RESERVED).

BUSINESS COMMITTEE

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.21.01 - RULES GOVERNING THE IDAHO STATE CONTRACTORS BOARD

DOCKET NO. 24-2101-0501 (NEW CHAPTER - FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-5206, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 508 through 510.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5206, Idaho Code. This is a new board and are presently in the process of receiving registration fees. Fees are as follows: Application fee - \$30; Reciprocal Fee - \$25; Renewal Fee - \$25; and Reinstatement Fee - \$25.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no impact on general funds. Fiscal impact on the Board of Contractors is dependant on the number of applications submitted to the Board. These fees are dedicated funds and used to administer the Board of Contractors.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 14th day of November, 2005.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste. 220
Boise, ID 83072

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2101-0501 (New Chapter)
Rules Governing the Idaho State Contractors Board PENDING FEE RULE

(208) 334-3233 phone
(208) 334-3945 fax

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is June 28, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-5207, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and an explanation of the substance and purpose of the proposed rulemaking: These rules are being allowed per Title 54, Chapter 52. The temporary and proposed rules provide contact information, definitions, provide for an application, provide for fees, and allow for renewal of registrations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This is a new Board provided by Title 54, Chapter 52 that was signed into law 2005 session. This is not a rule change, but a complete set of administrative rules as allowed in Idaho Code.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: This is a new board and are presently in the process of receiving registration fees. Fees are as follows: Application fee - \$30; Reciprocal Fee - \$25; Renewal Fee - \$25; and Reinstatement Fee - \$25.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no impact on general funds. Fiscal impact on the Board of Contractors is dependant on the number of applications submitted to the Board. These fees are dedicated funds and used to administer the Board of Contractors.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this is a new set of rules authorized by Title 54, Chapter 52, Idaho Code.

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2101-0501 (New Chapter)
Rules Governing the Idaho State Contractors Board PENDING FEE RULE

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 23rd day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 24
TITLE 21
CHAPTER 01

24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Idaho State Contractors Board by the provisions of Section 54-5206, Idaho Code. (6-28-05)T

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.21.01, “Rules of the Idaho State Contractors Board”.
(6-28-05)T

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (6-28-05)T

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.

(6-28-05)T

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those Sections of Idaho Code so referenced. (6-28-05)T

005. ADDRESS OF IDAHO STATE CONTRACTORS BOARD (RULE 5).

The office of the Idaho State Contractors Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2101-0501 (New Chapter) Rules Governing the Idaho State Contractors Board PENDING FEE RULE

Board's e-mail address is con@ibol.idaho.gov. The Board's official web site is at <https://www.ibol.idaho.gov/cont.htm>. (6-28-05)T

006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho State Contractors Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (6-28-05)T

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. Board means the Idaho State Contractors Board as created in Section 54-5206, Idaho Code. (6-28-05)T

02. Bureau. Bureau means the Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. (6-28-05)T

03. Person. Person means any individual, firm, partnership, limited liability company, limited liability partnership, corporation, trust, association or other entity or organization capable of conducting business, or any combination thereof acting as a unit. (6-28-05)T

011. -- 099. (RESERVED).

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet not less than once during each calendar quarter and at such times and places as designated by the Board or the Chairman of the Board. Special meetings may be held at the call of the Chairman, and all members shall be notified in writing. (6-28-05)T

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapters 2340 – 2347, Title 67, Idaho Code. (6-28-05)T

b. A minimum of three (3) Board members shall constitute a quorum and shall be required for the transaction of business. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. (6-28-05)T

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (6-28-05)T

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (6-28-05)T

b. The Chief of the Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2101-0501 (New Chapter)
Rules Governing the Idaho State Contractors Board PENDING FEE RULE

by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. (6-28-05)T

101. -- 149. (RESERVED).

150. APPLICATION (RULE 150).

Each applicant for registration shall submit a complete application on applications forms approved by the board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. (6-28-05)T

151. -- 174. (RESERVED).

175. FEES (RULE 175).

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (6-28-05)T

- 01. Application Fee.** Application fee (includes original registration) - thirty dollars (\$30). (6-28-05)T

- 02. Reciprocal Fee.** Endorsement fee - twenty-five dollars (\$25). (6-28-05)T

- 03. Renewal Fee.** Annual registration renewal fee - twenty-five dollars (\$25). (6-28-05)T

- 04. Reinstatement Fee.** Reinstatement fee - twenty-five dollars (\$25). (6-28-05)T

- 05. Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (6-28-05)T

176. -- 199. (RESERVED).

200. RENEWAL OF REGISTRATION (RULE 200).

- 01. Expiration Date.** All registrations expire and must be renewed annually on forms approved by the Board on the birth date of an individual registrant or the anniversary date of the original registration for a business entity in accordance with Section 67-2614, Idaho Code. Registrations not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code.

- 02. Reinstatement.** Any registration cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (6-28-05)T

201. -- 999. (RESERVED).

BUSINESS COMMITTEE

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.22.01 - RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-0501 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-5310 and 54-5110, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 511 through 516.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-5310 and 54-5110, Idaho Code. This is a new board and are presently in the process of receiving application fees. Fees are as follows: Application Fee - \$30. Individual License and Renewal Fee - \$50. Facility License and Renewal Fee - \$50. Bulk Storage Facility License and Renewal Fee - \$200. Endorsement Fee - \$50. Reinstatement Fee - \$50.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no impact on general funds. Fiscal impact on the Liquefied Petroleum Gas Safety Board is dependant on the number of applications submitted to the Board. These fees are dedicated funds and used to administer the Liquefied Petroleum Gas Safety Board.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 14th day of November, 2005.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste. 220

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2201-0501 (New Chapter)
Liquefied Petroleum Gas Safety Board PENDING FEE RULE

Boise, ID 83072
(208) 334-3233 phone (208) 334-3945 fax

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is July 20, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s)[54-5310] 54-5110, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are being allowed per Title 54, Chapter [53] 51. The temporary proposed rules provide contact information, definitions, provide for an application, provide regulations for facilities, provide for fees, and allow for renewal of licenses.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This is a new Board provided by Title 54, Chapter [53]51 that was signed into law 2005 session. This is not a rule change, but a complete set of administrative rules as allowed in Idaho Code.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

This is a new board and are presently in the process of receiving application fees. Fees are as follows: Application Fee - \$30. Individual License and Renewal Fee - \$50. Facility License and Renewal Fee - \$50. Bulk Storage Facility License and Renewal Fee - \$200. Endorsement Fee - \$50. Reinstatement Fee - \$50.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal

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BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2201-0501 (New Chapter)
Liquefied Petroleum Gas Safety Board PENDING FEE RULE

impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no impact on general funds. Fiscal impact on the Liquefied Petroleum Gas Safety Board is dependant on the number of applications submitted to the Board. These fees are dedicated funds and used to administer the Liquefied Petroleum Gas Safety Board.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this is a new set of rules authorized by Title 54, Chapter [53]51, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 23rd day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

**IDAPA 24
TITLE 22
CHAPTER 01**

24.22.01 - RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-5310, Idaho Code, the Idaho State Liquefied Petroleum Gas Safety Board shall promulgate rules that implement the provisions of Chapter 53, Title 54, Idaho Code.

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.22.01, “Rules of the Idaho State Liquefied Petroleum Gas Safety Board.” (8-4-05)T

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (8-4-05)T

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES **Docket No. 24-2201-0501 (New Chapter)**
Liquefied Petroleum Gas Safety Board **PENDING FEE RULE**

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (8-4-05)T

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled National Fire Protection Association Code 58, commonly known as NFPA 58, is herein incorporated by reference and is available from the Board's office and on the Board web site. (8-4-05)T

005. ADDRESS OF IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD (RULE 5).

The office of the Idaho State Liquefied Petroleum Gas Safety Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is lpd@ibol.idaho.gov. The Board's official web site is <https://www.ibol.idaho.gov/lpd.htm>. (8-4-05)T

006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho State Liquefied Petroleum Gas Safety Board are subject to the provisions of the Idaho Public Records Act. Title 9, Chapter 3, Idaho Code. (8-4-05)T

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. Board means the Idaho State Liquefied Petroleum Gas Safety Board as created in Section 54-5309, Idaho Code. (8-4-05)T

02. Bureau. Bureau means the Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. (8-4-05)T

03. Person. Person means any sole individual. (8-4-05)T

04. Facility. Facility means any facility at a fixed location licensed pursuant to this chapter whose activities include selling, filling, refilling, or commercial handling or commercial storage of LPG. (8-4-05)T

011. -- 099. (RESERVED).

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet not less than annually and at other such times and places as designated by the Chairman or upon the written request of two (2) members of the Board. (8-4-05)T

a. All meetings shall be held in accordance with the Idaho Open Meeting Law,

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES **Docket No. 24-2201-0501 (New Chapter)**
Liquefied Petroleum Gas Safety Board **PENDING FEE RULE**

Chapters 2340 - 2347, Title 67, Idaho Code. (8-4-05)T

b. A minimum of three (3) Board members shall constitute a quorum and may exercise all powers and authority conferred on the Board in order to hold a meeting of the Board. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. (8-4-05)T

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (8-4-05)T

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (8-4-05)T

b. The Chief of the Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board.

101. -- 149. (RESERVED).

150. APPLICATION (RULE 150).

Each applicant for a license shall submit a complete application on application forms approved by the board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. (8-4-05)T

151. – 174. (RESERVED).

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (8-4-05)T

01. Application Fee. Application fee - thirty dollars (\$30). (8-4-05)T

02. Original Individual License and Annual Renewal Fee. License fee - fifty dollars (\$50). (8-4-05)T

03. Original Facility License Fee and Annual Renewal Fee. Facility with ten thousand (10,000) gallon or less storage capacity – fifty dollars (\$50). (8-4-05)T

04. Original Bulk Storage Facility Fee and Annual Renewal Fee. Bulk Storage Facility with more than ten thousand (10,000) gallon storage capacity – two hundred dollars (\$200). (8-4-05)T

05. Endorsement Fee. Endorsement fee - fifty dollars (\$50). (8-4-05)T

06. Reinstatement Fee. Reinstatement fee - fifty dollars (\$50). (8-4-05)T

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES Docket No. 24-2201-0501 (New Chapter)
Liquefied Petroleum Gas Safety Board PENDING FEE RULE

07. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (8-4-05)T

176. – 199. (RESERVED).

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. All licenses expire and must be renewed annually on forms approved by the Board on the birth date of an individual licensee or the anniversary date of the original license for a facility in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (8-4-05)T

02. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (8-4-05)T

201. -- 224. (RESERVED).

225. APPROVED EDUCATION (RULE 225).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following: (8-4-05)T

01. Basic Education. The Basic Certified Employee Training Program (CETP) provided by the National Propane Gas Association or the equivalent as determined by the board within the thirty-six (36) months immediately preceding application. (8-4-05)T

02. Other Education. For applicants prior to July 1, 2006, documented training relevant to the LPG industry preceding application, and acceptable to the Board. (8-4-05)T

226. -- 249. (RESERVED)

250. PRACTICAL EXPERIENCE (RULE 250).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following. (8-4-05)T

01. Supervised Experience. Supervised experience of no less than one (1) year in an LPG facility under supervision of a licensed dealer. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and make application for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (8-4-05)T

02. Other Experience. (8-4-05)T

a. Applicants prior to July 1, 2006, must document practice for not less than five (5) years in the field for which they are applying for a license including LPG industry experience in Idaho prior to July 1, 2005. (8-4-05)T

BUSINESS COMMITTEE

BUREAU OF OCCUPATIONAL LICENSES **Docket No. 24-2201-0501 (New Chapter)**
Liquefied Petroleum Gas Safety Board **PENDING FEE RULE**

b. Applicants after July 1, 2006, but prior to January 1, 2007 must document supervised experience of no less than one (1) year in an LPG facility under supervision. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and make application for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (8-4-05)T

251. -- 299. (RESERVED).

300. EXAMINATIONS (RULE 300).

Each applicant shall provide certified proof that they have successfully completed one (1) of the following. (8-4-05)T

01. Licensure Examination. Receipt of a passing grade on the Basic Certified Employee Training Program (CETP) examination provided by the National Propane Gas Association or the equivalent as determined by the board within the thirty-six (36) months immediately preceding application. (8-4-05)T

02. Other Examination. For applicants prior to July 1, 2006, receipt of a passing grade on an examination relevant to the LPG industry and acceptable to the Board. (8-4-05)T

301. - 349. (RESERVED).

350. FACILITY LICENSURE (RULE 350).

01. Facility Licensure and Operation Requirements. (8-4-05)T

a. Application for a facility license shall be made on forms available from the Bureau and shall include plans and specifications complying with local ordinances and zoning requirements. All applications shall be submitted to the Board for approval and a license must be issued before a new facility may open for business; (8-4-05)T

b. Each facility application shall clearly identify and designate a location adequate to allow the facilities safe operation and the selling, filling, refilling, or commercial handling or commercial storage of liquefied petroleum gas; (8-4-05)T

c. Each facility shall meet all requirements of NFPA 58. (8-4-05)T

02. Facility Changes in Ownership or Location. (8-4-05)T

a. Whenever a change of ownership or location of a facility occurs, an original application must be submitted, the fee must be paid and compliance with all rules concerning a new facility documented, before a new license will be issued. FACILITY LICENSES ARE NOT TRANSFERABLE. (8-4-05)T

b. Deletion of an owner from multiple ownership does not constitute a change in ownership. (8-4-05)T

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- c.** Addition of an owner to multiple ownership does constitute a change in ownership. (8-4-05)T

- d.** Whenever any facility ceases operation at the licensed location, the owner(s) shall notify the Board in writing that the facility is out of business and the facility license shall be submitted to the Bureau. A new facility license will not be issued for any location that is currently licensed as a facility at the time of application. (8-4-05)T

351. -- 374. (RESERVED).

375. INSPECTION RULES (RULE 375).

All facilities shall be subject to inspection by the Board or its agents at any time without notice to insure the safe operation of each facility and to insure continued compliance with the requirements of NFPA 58 and the Idaho laws and rules. (8-4-05)T

376. -- 399. (RESERVED).

400. ENDORSEMENT (RULE 400).

Any person who holds a current, unsuspended, unrevoked or otherwise nonsanctioned license in another state or country that has licensing requirements substantially equivalent to or higher than those in Idaho may, submit the required application, supporting documentation, and required fee, for Board consideration. Those applicants who received their professional education or experience outside of the United States shall provide such additional information concerning their professional education or experience as the Board may request. The board may, in its discretion, require successful completion of additional course work or examination for any applicant under this provision.

401. -- 449. (RESERVED).

450. DISCIPLINE (RULE 450).

- 01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed LPG dealer or a licensed LPG facility for each violation of Section 54-5315, Idaho Code. (8-4-05)T

- 02. Costs and Fees.** The Board may order a licensed LPG dealer or a licensed LPG facility to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-5315, Idaho Code. (8-4-05)T

451. -- 999. (RESERVED).

BUSINESS COMMITTEE

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0401

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2007, and 54-2020, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the November 3, 2004, Idaho Administrative Bulletin, Volume 04-11, pages 33-34.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2020(1), Idaho Code. This rulemaking reduces the licensing fee amount set in the pending rule by an additional twenty dollars (\$20) per bi-annual licensing period for licensed individuals (from \$220 to \$200)). Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact on the state general fund, since all license fees revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232.

Dated this 25th day of August, 2005

Donna M. Jones, Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720

BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0401
PENDING FEE RULE

(208) 334-3285; (208) 334-2050 (fax)

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is April 1, 2004.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2007, Idaho Code.

PUBLIC HEARING: Public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule reduces the individual licensing fee by twenty dollars (\$20) per bi-annual licensing period. The Commission decided to reduce the fee amount after conducting an analysis of its budget and the impact of this rule change.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit, by reducing the individual licensing fee.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

No new fee or charge is being imposed. Rather, this rule *reduces* the fee amount by twenty dollars (\$20) per bi-annual licensing period.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking. Additionally, the rule change is welcomed by all interested persons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OR WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Donna Jones, (208) 334-3285 ext. 232.

BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission**Docket No. 33-0101-0401**
PENDING FEE RULE

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2004.

DATED this 7th day of October, 2004.

Donna M. Jones
Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0401

100. LICENCE FEES.

License fees are established as follows.

(3-15-02)

01. Fees For Licensed Individuals. The fees for an initial or renewing license for broker, associate broker, or salesperson shall be two hundred ~~twenty~~ dollars (\$2200) per license period, which fees include the twenty dollar (\$20) fee prescribed in Section 54-2070, Idaho Code. ~~(3-15-02)~~(4-1-04)T

02. Fees For Licensed Legal Business Entities. The fee for an initial or renewing license for each legal business entity shall be one hundred dollars (\$100) per license period. (3-15-02)

BUSINESS COMMITTEE

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0502

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. The agency requests that the effective date of the final rule be October 1, 2005, as authorized by 67-5225(5)(a), Idaho Code, and that that date be specified in the omnibus concurrent resolution affecting all pending fee rules.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2007 and 54-2020, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Volume 05-10, pages 569 and 570.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2020(1), Idaho Code. This rulemaking reduces the licensing fee by twenty dollars (\$20) per bi-annual licensing period for licensed individuals (from \$200 to \$180), and by fifty dollars (\$50) per licensing period for licensed business entities (from \$100 to \$50).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donna Jones, (208) 334-3285 ext. 232.

DATED this 28th day of October, 2005.

Donna M. Jones, Executive Director
Agency: Idaho Real Estate Commission

BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0502
PENDING FEE RULE

Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2007 and 54-2020, Idaho Code

PUBLIC HEARING: Public hearing concerning this rulemaking will be held as follows:

October 26th, 2005, at 10:00 a.m.
The Idaho Real Estate Commission
633 North Fourth Street
Boise, Idaho 83702

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule reduces the licensing fee amount by twenty dollars (\$20) per bi-annual licensing period for licensed individuals (from \$200 to \$180), and by fifty dollars (\$50) per licensing period for licensed business entities (from \$100 to \$50).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2020(1), Idaho Code.

This rulemaking reduces the licensing fee amount by twenty dollars (\$20) per bi-annual licensing period for licensed individuals (from \$200 to \$180), and by fifty dollars (\$50) per licensing period for licensed business entities (from \$100 to \$50).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact on the state general fund, since all license fees revenues are credited to the Special Real Estate Account.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted due to the nature of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact

BUSINESS COMMITTEE

REAL ESTATE COMMISSION
Rules of the Idaho Real Estate Commission

Docket No. 33-0101-0502
PENDING FEE RULE

Donna Jones, (208) 334-3285 ext. 232.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

Dated this 25th day of August, 2005.

Donna M. Jones, Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
Mailing Address: PO Box 83720, Boise, ID 83720
Phone: (208) 334-3285 / Fax: (208) 334-2050

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

100. LICENCE FEES.

License fees are established as follows.

(3-15-02)

01. Fees For Licensed Individuals. The fees for an initial or renewing license for broker, associate broker, or salesperson shall be ~~two~~ one hundred eighty dollars (\$~~200~~180) per license period, which fees include the twenty dollar (\$20) fee prescribed in Section 54-2070, Idaho Code. (~~4-1-04~~)T(____)

02. Fees For Licensed Legal Business Entities. The fee for an initial or renewing license for each legal business entity shall be ~~one hundred~~ fifty dollars (\$~~100~~50) per license period. (~~3-15-02~~)(____)